

EX PARTE OR LATE FILED

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

IN REPLY REFER TO:

DOCKET FILE COPY ORIGINAL

CC 92-77

September 16, 1994

RECEIVED

SEP 22 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

The Honorable Paul E. Gillmor
U.S. House of Representatives
1203 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Gillmor:

Thank you for your letter on behalf of Alan L. Word, Sheriff, Williams County Sheriff's Office, and Jim Dennis, Executive Director, Corrections Commission of Northwest Ohio, regarding the Commission's Billed Party Preference (BPP) proceeding. On May 19, 1994, the Commission adopted a Further Notice of Proposed Rulemaking in this proceeding. I have enclosed a copy of the Further Notice and press release accompanying it for your information.

The Further Notice sets forth a detailed cost/benefit analysis of BPP. This analysis indicates, based on the available data, that the benefits of BPP to consumers would exceed its costs. The Further Notice seeks comment on this analysis and asks interested parties to supplement the record concerning the costs and benefits of BPP. The Further Notice also invites parties to recommend alternatives to BPP that could produce many of the same benefits at a lower cost.

The Further Notice also explicitly seeks comment on whether correctional facility telephones should be exempt if BPP is adopted. Specifically, the Further Notice seeks additional information on the effectiveness and costs of controlling fraud originating on inmate lines with or without BPP. The Further Notice also seeks comment on a proposal to exempt prison telephones from BPP if the operator service provider adheres to rate ceilings for inmate calling services.

BPP would not preclude prison officials from blocking or limiting inmate calls to specific telephone numbers in order to prevent threatening and harassing calls. Moreover, BPP would not affect the ability of prison officials to limit inmates to collect calling or to program telephone equipment at the prison site to block certain numbers.

No. of Copies rec'd _____
List ABCDE _____

2

The Honorable Paul E. Gillmor
Page 2

Thank you for your interest in this proceeding. I can assure you that the Commission will carefully examine all of the comments submitted in response to the Further Notice, including additional empirical data regarding the costs and benefits of implementing BPP and the impact of BPP on telephone service from correctional facilities.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Kathleen M.H. Wallman', written in a cursive style.

Kathleen M.H. Wallman
Chief
Common Carrier Bureau

Enclosures

PAUL E. GILLMOR
5TH DISTRICT, OHIO

1203 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-3505
202-225-8405

TRAVEL AND TOURISM CAUCUS
ENVIRONMENTAL AND ENERGY
STUDY CONFERENCE
RURAL HEALTH CARE CAUCUS
CONGRESSIONAL RURAL CAUCUS



OCA 77
92-
940439

COMMITTEE ON ENERGY
AND COMMERCE
SUBCOMMITTEES:
OVERSIGHT AND INVESTIGATIONS
TELECOMMUNICATIONS AND FINANCE
TRANSPORTATION AND HAZARDOUS
MATERIALS
OHIO REPUBLICAN WHIP

Congress of the United States
House of Representatives
Washington, DC 20515-3505

August 12, 1994

Ms. Judith Harris
Director
Office of Legislative Affairs
Federal Communications Commission
1919 M Street, NW
Washington, D.C. 20554

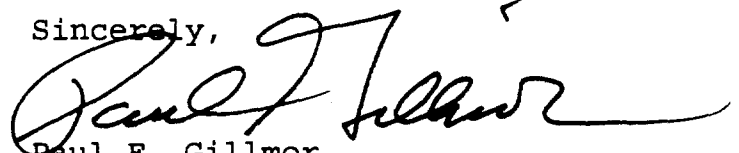
Dear Ms. Harris:

Enclosed are two letters which I received from Ohio residents who are concerned about about Common Carrier Docket Number 92-77 affecting Billed Party Preference (BPP).

I would appreciate it if you could informally consider their comments as part of your rule-making procedures.

Thank you for your consideration of this request.

Sincerely,


Paul E. Gillmor
Member of Congress

PEG:jes
Enclosure

DEFIANCE
1855 NORTH CLINTON STREET, #C-2
DEFIANCE, OH 43512
419-782-1998

NORWALK
COUNTY ADMINISTRATION BUILDING
NORWALK, OH 44857
419-868-0206

PERRYSBURG
148 EAST SOUTH BOUNDARY STREET
PERRYSBURG, OH 43551
419-872-2500

PORT CLINTON
120 JEFFERSON STREET, 20 FLOOR
PORT CLINTON, OH 43452
419-734-1999

TOLL FREE IN OHIO 1-800-541-8448



**WILLIAMS COUNTY
SHERIFF'S OFFICE**

218 West Bryan Street
Bryan, Ohio 43506

ALAN L. WORD, SHERIFF

419-636-3151

July 28, 1994

The Honorable Reed E. Hundt, Chairman
Federal Communications Commission
1919 M Street, NW
Washington, D.C. 20554

RE: CC Docket No. 92-77 Opposition to Billed Party Preference

Dear Chairman Hundt:

I am opposed to the application of Billed Party Preference (BPP) at inmate facilities.

We have analyzed the security and administration needs at our facility and have found it to be necessary to route inmate calls for our facility to a single carrier that is equipped to handle inmate calls and with whom we have a contractual relationship. We cannot allow inmates to have open access to the telecommunications network and the freedom to use any carrier they please. BPP will take away our responsibility to coordinate inmate calls through a carrier we know and trust. Instead, inmate calls will be routed to a number of different carriers, none of whom will have any obligation to use and few that will be trained to handle inmate calls. Criminal behavior with the phones will be uncontrollable.

We have also found it necessary to install phone equipment that is specifically designed for inmate calls. This equipment helps prevent fraud, abusive calls, and other criminal activity over the telephone network. Inmate phone providers evolved as a result of such uncontrolled criminal activity. Given the constant budgetary constraints that we are under, we cannot afford to provide this equipment without the help of inmate phone service providers. BPP would also eliminate the revenue stream that finances our inmate phones. If BPP is applied to inmate facilities, there will be no way for us to finance these phones, nor will there be inmate phone service providers to assist us. Without inmate phones, the morale of our inmates will be devastated. The resulting increase in tension will make it more difficult for our staff to manage inmates.

Furthermore, we are sensitive to the rates inmates families pay for calls. We fully appreciate the FCC's concern if some Sheriff or Warden does not take responsibility for protecting inmate families from abusive rates. We do not agree with the FCC that the solution for this lack of responsibility is BPP. The proper and more effective action would be to adopt rate ceilings on inmate calls and then let Sheriffs or Wardens enforce these rate ceilings through their contracts. Indeed we believe the overwhelming majority of Sheriffs and Wardens are committed to requiring rates that are fair and reasonable. BPP is clearly an over reaction. Setting ceilings would be more responsible legislation.

In short, BPP would take away our ability to employ important security and administrative measures that we have found to be necessary at our facility. We urge you not to adopt regulations that interfere with our administrative and security decisions -- decisions that are clearly within our discretion and which we have a public responsibility to make.

Approving such legislation as BPP as currently written will also enable such inmate advocate groups to pursue other legislative agendas that exceed the intent of current case law, prisoner rights as guaranteed by our forefathers in the constitution and would encourage you to ignore what the professionals in the corrections field need to protect the public.

Respectfully submitted,

Williams County Sheriff's Department



Alan L. Word,
Sheriff

ALW/ksh

cc: The Honorable James H. Quello
The Honorable Rachelle B. Chong
The Honorable Andrew C. Barrett
The Honorable Susan Ness
The Honorable Congressman Paul E. Gilmore
The Honorable Senator Howard Metzenbaum
APCC Inmate Phone Service Providers Task Force

Corrections Commission of Northwest Ohio

03151 Road 24.25
Route 1, Box 100-A
Stryker, Ohio 43557
419/428-3800
FAX: 419/428-2119

AUG 2 1994

AUG 11 1994

Defiance County

Executive Committee:

David Westrick
Robert Switzer
Joseph Schmenk

Fulton County

Vice Chairman:

James Barber
Lowell Rupp
Darrell Meritt

Henry County

Chairman:

John Nye
Kenneth Rohrs
Richard Bertz

Lucas County

Executive Committee:

James Telf
Sandy Isenberg
Stephen Yarbrough

Toledo

Executive Committee:

Carlton Finkbeiner
Mary Grace Trimboli
Gerald Galvin

Williams County

Secretary:

Robert Wilson
Alan Word
Rosanne Fisher

Executive Director:

Jim Dennis

July 25, 1994

Congressman Paul Gillmor
South Boundry St.
Perrysburg, Ohio 43552

RE: CC Docket No. 92-77 Opposition to Billed Party Preference

Dear Congressman Gillmor:

I am opposed to the application of Billed Party Preference (BPP) at inmate facilities.

I have analyzed the security and administration needs at our facility and have found it to be necessary to route inmate calls from our facility to a single carrier that is equipped to handle inmate calls and with whom we have a contractual relationship. We cannot allow inmates to have open access to the telecommunications network and the freedom to use any carrier they please. BPP will take away our responsibility to coordinate inmate calls through a carrier we know and trust. Instead, inmate calls will be routed to a number of different carriers, none of whom will have any obligation to us and few that will be trained to handle inmate calls. Criminal behavior with the phones will be uncontrollable.

We have also found it necessary to install phone equipment that is specifically designed for inmate calls. This equipment helps prevent fraud, abusive calls, and other criminal activity over the telephone network. Inmate phone providers evolved as a result of such uncontrolled criminal activity. Given the constant budgetary constraints that we are under, we cannot afford to provide this equipment without the help of inmate phone service providers. BPP would also eliminate the revenue stream that finances our inmate phones. If BPP is applied to inmate facilities, there will be no way for us to finance these phones, nor will there be inmate phone service providers to assist us. Without inmate phones,

the morale of our inmates will be devastated. The

Page 2

resulting increase in tension will make it more difficult for our staff to manage inmates.

Furthermore, we are sensitive to the rates inmate families pay for calls. We fully appreciate the FCC's concern if some Sheriff or Warden does not take responsibility for protecting inmate families from abusive rates. We do not agree with the FCC that the solution for this lack of responsibility is BPP. The proper and more effective action would be to adopt rate ceilings on inmate calls and then let Sheriffs or Wardens enforce these rate ceilings through their contracts. Indeed we believe the overwhelming majority of Sheriffs and Wardens are committed to requiring rates that are fair and reasonable. BPP is clearly an over reaction. Setting ceilings would be more responsible legislation.

In short, BPP would take away our ability to employ important security and administrative measures that we have found to be necessary at our facility. We urge you to not adopt regulations that interfere with our administrative and security decisions -- decisions that are clearly within our discretion and which we have a public responsibility to make.

Approving such legislation as BPP as currently written will also enable such inmate advocate groups to pursue other legislative agendas that exceed the intent of current case law, prisoner rights as guaranteed by our forefathers in the constitution and would encourage you to ignore what the professionals in the corrections field need to protect the public.

Respectfully submitted,

CORRECTIONS CENTER OF NORTHWEST OHIO



Jim Dennis
Executive Director

/pa

c:\jd\inmate.Phn